REMARKS

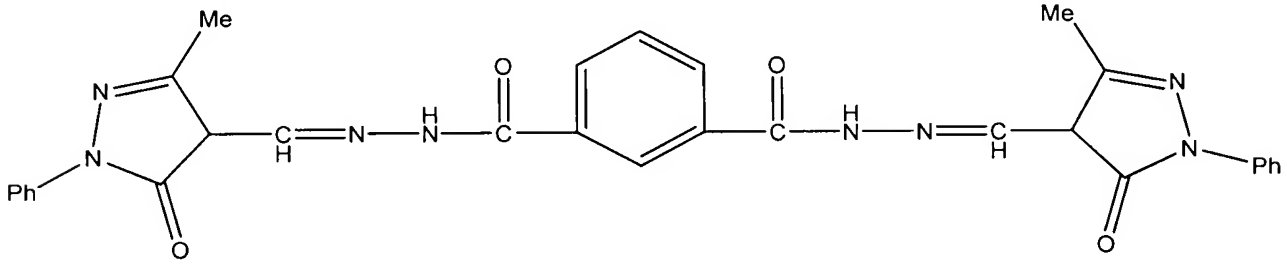
Claims 38-74 are pending in the present application.

At the outset, Applicants would like to thank Examiner Loewe for the recognition and acknowledgment that the species of synthetic example 56 is allowable (see numbered paragraph 6 on page 3 of the Office Action mailed November 30, 2007). Reconsideration of the outstanding rejections is requested in view of the amendment and remarks set forth herein.

The rejection of Claims 38, 39, 43, 49, 51, 54-56, 60, 66, 68, 71, and 73 under 35 U.S.C. §102(b) over L'Eplattenier et al and Maitland et al is obviated by amendment.

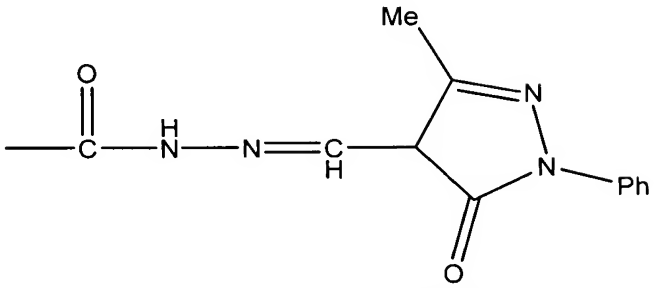
The Examiner has now cited L'Eplattenier et al and Maitland et al as allegedly disclosing a compound within the broadly defined scope of independent Claims 38, 39, 43, and 51. Applicants respectfully submit that the Examiner's rejection is without merit.

Specifically, the RN 61255-91-2 has the structure:



When assigned the letter designators of the claimed invention, the tautomer has the following substituents[1]: A is a phenyl, B is a methyl, D is a hydrogen, and E is a substituted phenyl which is substituted with:

[1] Written in the short-hand of Claim 38. Note: substituent A is also identified as substituent



In the claimed invention substituent E (also identified as substituent R^4, R^{10}, and R^{15}) is defined as:

> E is a C_{2-14} aryl group,
>
> wherein the C_{2-14} aryl group is optionally substituted with one or more hydroxyl groups, one or more nitro groups, one or more halogen atoms, one or more cyano groups, one or more C_{1-3} alkyl groups substituted with one or more fluorine atoms, NG^1G^2,
>
> wherein G^1 and G^2 are independently hydrogen atoms, formyl groups, C_{1-6} alkyl groups or C_{1-6} alkylcarbonyl groups, one or more carboxyl groups, one or more sulfonic acid groups, one or more phosphonic acid groups, one or more carbamido groups,
>
> wherein the carbamido group may be substituted with a C_{1-6} alkyl group, one or more sulfamido groups, one or more hydroxycarbamido groups, one or more hydroxysulfamido groups, one or more tetrazole groups, and one or more C_{1-6} alkoxycarbonyl groups or $X(CYZ)_nCO_2H$,
>
> wherein X is CH_2, O, S or NG^3,
>
> wherein G^3 is a hydrogen atom, a C_{1-6} alkyl group, a formyl group or a C_{1-6} alkylcarbonyl group,
>
> wherein Y and Z are independently hydrogen atoms or C_{1-3} alkyl groups, and n is 0, 1, 2 or 3, and
>
> wherein the sulfamido group may be substituted with a C_{1-6} alkyl group

It is clear that the equivalent position to substituent E in RN 61255-91-2 does not fall within the definition above. Accordingly, L'Eplattenier et al do not anticipate the claimed invention.

R^1, R^7, and R^{12}, substituent B is also identified as substituent R^2, R^8, and R^{13}, substituent D is also identified as substituent R^3, R^9, and R^{14}, and substituent E is also identified as substituent R^4, R^{10}, and R^{15}.

It is further noted that the second formula on page 3 of the Office Action mailed November 30, 2007 should have one more NH group between the NH group and the CH group on the right-hand side to be the tautomer of the compound RN 61255-91-2.

Regardless, neither L'Eplattenier et al nor Maitland et al disclose or suggest a compound within the scope of the presently claimed invention. Therefore, the anticipation rejection should be withdrawn.

Withdrawal of this ground of rejection is requested.

Applicants respectfully submit that the above-identified application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

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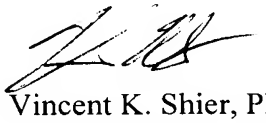

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